

Town of Scarborough

Planning Board

July 14, 2008

AGENDA

1. Call to Order (7:00 P. M.)
2. Roll Call
3. Approval of Minutes (June 23, 2008)
4. Harvest Development requests site plan and subdivision review for Phase I of Scarborough Retirement Community on Elmwood Avenue\*
5. Jonathan Stamell, 52 Seavey Landing Road, requests review for erosion control and filling in the Shoreland Zone
6. Haigis Parkway Professional Center, New Day Realty LLC requests sketch plan review for 11,000 square foot medical office building on Lot 9 on Haigis Parkway
7. Toddle Inn Child Care Facility, Cheryl Barrett requests site plan amendment for expansion of existing structure at 9 Lincoln Avenue\*
8. Timber Sands Subdivision, Risbara Properties LLC requests final review for 10 single family lots at 462 Old West Beech Ridge Road in the R-F Zone
9. Bayley's Camping Resort, Fred and Kathleen Bayley request site plan amendments for improved entrance and new office building off Pine Point Road\*
10. Thurlow Properties requests sketch plan review for 6 lot subdivision in the B-1 Zone and the Shoreland Zone on King Street
11. Administrative Amendment Report
12. Town Planner's Report
13. Correspondence
14. Planning Board Comments
15. Adjournment

\*Opportunity for public comment will be offered by the Planning Board on these items.

NO NEW ITEMS SHALL BE TAKEN UP AFTER 10:30 P. M.

A site visit to Harvest Development property on Elmwood Avenue will take place at 5:00 P. M.

Town of Scarborough

Planning Board

July 14, 2008

MINUTES

Members Present

Staff

Mr. Callahan  
Mr. Chamberlain  
Mr. Fellows  
Ms. Littlefield  
Mr. Mazer  
Mr. Paul  
Mr. Thomas

Mr. Bacon, Town Planner  
Mr. Chace, Assistant Town Planner  
Ms. Logan, Recording Secretary

1. Call to Order

Mr. Paul called the meeting to order at 7:00 P. M. Mr. Paul thanked the organizers, the sponsors and vendors for a wonderful 350<sup>th</sup> birthday celebration.

2. Roll Call

The Recording Secretary called the roll; all members were present.

3. Approval of Minutes (June 23, 2008)

Ms. Littlefield moved to approve the minutes of June 23, 2008 as presented; Mr. Fellows seconded.

Voted 5-0

4. Harvest Development requests site plan and subdivision review for Phase I of Scarborough Retirement Community on Elmwood Avenue\*

Mr. Bacon stated that at sketch plan review the Board decided to hear this project in a topic format and tonight would discuss the trails, open space and buffering and the proximity to the I-295 connector. He stated that there were staff comments regarding a second parking area for the trail in Phase 3, a large stand of oaks that should remain and the vegetative buffer at Elmwood Avenue. Mr. Paul read the Conservation Commission comments requesting to be included in the August 4, 2008 site visit to the Canco Road facility of Harvest Development.

Mr. Owens McCullough, of Sebago Technics, showed the overview of the entire area and how this site connected with the conservation land, the Scarborough Land Trust land and their own conservation land. He showed the approximate trails and stated that they would like to pave some of the trails around their buildings because the residents would use them for exercise and they needed to be smooth; he stated that they were open to a different surface treatment for the rest of the trails. He stated that they would construct the parking at the trail head and would consider a second parking area at the third phase.

Mr. McCullough stated that they had a 250 foot deed restricted buffer at Elmwood Avenue where there was now an open field and they proposed to leave it as a field which they would mow only once or twice a year to leave it in its natural state. He stated that they would plant a heavy buffer around the nearby property and the plan showed trees that they wanted to save along the hospice facility border and the resi-

dence where they would also create infill plantings. Mr. McCullough stated that there was a trail connection from the hospice which they would maintain for access between the trails. He stated that there was a very large tree-save along the hospice border as well as the buffers at the conservation areas. He stated that they pulled the development several hundred feet back from the I-295 connector and the land would be a conservation easement.

Mr. Paul stated that if anyone wanted to speak, he should limit comments to three minutes and not repeat what someone else had said; he asked that questions be addressed to the Board and not to the applicant. Mr. Jeff Frederick, of 14 Hunnewell Road, asked whether the inner tree line of the double tree line at the hospice facility would be removed. He also asked whether there could be a second access from I-295 to alleviate some of the traffic that would use the neighborhood; he asked how much traffic there would be from vendors, residents and employees.

Mr. Matt Durgin, of 9 Sequoia Lane, stated that he, too, was concerned that the double tree line would not remain; he stated that he was also concerned because the scale of the project was inconsistent with the character of the neighborhood. He stated that there would be a lot of traffic and noted that the Comprehensive Plan indicated that the livability of established neighborhoods should be maintained in scale and design and this project would violate that requirement. Ms. Jeannine Uzzi, of 13 Sunset Road, asked whether there would be any work done to connect the trail not seen on the plan to connect to existing trails in the conservation trail off the map; she asked what would happen to the trails during the winter.

Mr. Kevin Frederick, of 17 Hunnewell Road, stated that his property overlooked the hospice and would overlook this site and he would like to be sure the trees remained. He stated that he did not want this development and did not think it was needed but he would retire some day so maybe it was needed. Ms. Audie Harris, of 8 Second Avenue, stated that she hoped the Board had notice her walking her children while they were on their site visit and had gotten a sense of how the road was used and take that into consideration when approving the number of units. She stated that she thought there were too many units. Ms. Harris asked what type and size of trees would be planted for infill; she stated that she would prefer natural surface for the trails that did not have to be paved.

Mr. Brian Davis, of 4 Apple Tree Drive, stated that he believed in leaving things as natural as possible and there was wildlife in the area that needed big, natural buffers and he would like the buffering as thick as possible so they could not hear the noise from I-295. Mr. Sergei Drizlikh, of 10 Sequoia Lane and President of the homeowners association, stated that, since this project would not add any value to their houses, it would help financially if the Town took over their private sewer pumping station. Ms. Rita Lore, of 48 Elmwood Avenue, asked what consideration would be given to the wildlife.

Ms. Annmarie Silvius, of 29 Maple Avenue, stated that she was against bringing outsiders into the area to use their trails; she asked how many cars would come in and how many parking spaces would be public. She stated that the scale of the project was preposterous for this little community. She stated that the 98 bed assisted living facility needed to be eliminated because those residents needed a lot of care around the clock. She asked whether this was a residential use or were the applicants looking for a business. She stated that the neighborhood did not want this scale. Ms. Jody Deegan, of Hospice House of Southern Maine, stated that they also wanted to keep the backyard buffer; she asked the status of Parcel D. Mr. Chace noted that there was a letter from Mr. David Hughes, of 4 Hunnewell Road, who had concerns about traffic, signage and exterior lighting. Mr. Paul encouraged the abutters to attend the Town Council meetings and contact their Town Councilors to express their concerns.

Mr. McCullough explained that there were large trees on the property line, a tote road and then another line of trees. He stated that the property line trees would remain but they would cut into the second tree line which they would supplement with similar trees and evergreens. He stated that the DOT would not

allow access from the I-295 connector. Mr. McCullough stated that they had worked with the Board to come up with a design to address the density and felt that they had made progress. He stated that he would discuss winter maintenance of the trails with the applicant and would improve the eight foot wide trail and connect to the informal trail but would not improve the trail system on the conservation land. Mr. Chris DiMateo, of Sebago Technics, stated that they would provide a full range of plants and were prepared to provide a variety of shrubs up to large trees for a varied scale.

Mr. Paul asked whether a botanist had been hired to consider the possibility of endangered plants or animals on the site; Mr. McCullough replied that they had to go through the DEP and Inland Fish and Wildlife to address wintering yards, and they indicated that there were no endangered species. He stated that Inland Fish wanted a 100 foot buffer at the river for the protection of the fish. He stated that they would build on the high land with buffers to the lower land. He stated that about half of the site would be in a conservation easement, especially along the river. Mr. McCullough stated that there would be 10 parking spaces at the trailhead and it would be open for the public benefit. Mr. McCullough stated that the site visit to the Canco Road facility would give a better idea of the kinds of beds in this project. Mr. McCullough stated that the Leighton homestead, Parcel D, would be sold as a house lot. Mr. Bacon stated that the pumping station was a Scarborough Sanitary District issue and they did not take over pumping stations unless they served a certain number of lots; he stated that the Sanitary District was not part of the municipality.

Mr. Callahan asked whether the applicant could get a temporary easement for construction traffic; Mr. McCullough replied that their proposed access was opposite Greenwood Acres Lane and they would work with the contractors to inform them not to use Elmwood Avenue. He stated that they could create a physical break in Elmwood Avenue that would force everyone to use Greenwood Acres and Route One. Mr. McCullough stated that they wanted to disturb only one area and clear only the land necessary to build the driveway. Mr. Paul stated that traffic and architecture would be addressed at the August 4, 2008 meeting.

To a question from Ms. Littlefield, Mr. McCullough replied that the site could accommodate 94 single family lots. Ms. Littlefield stated that she liked the idea of the front buffer not being manicured and the trails being natural where possible; she stated that any replacement of trees should be with native species. To a question from Ms. Littlefield, Mr. McCullough replied that any trailhead parking in Phase 3 would be in front of the units, near the stormwater pond. To questions from Mr. Chamberlain, Mr. McCullough replied that the dotted lines in Phase 3 showed the existing informal trails, one of which would no longer exist following construction of that phase but the others would remain with no improvements. Mr. Chamberlain stated that he would like to see the garages relocated behind the building or elsewhere away from the property line. He stated that he concurred with maintaining the double treeline and planting evergreens. Mr. Chamberlain noted that the refuse enclosure was directly behind the hospice facility; Mr. McCullough stated that he would address that issue. Mr. Chamberlain agreed that the trails should be of natural materials and the buffer should be left in a wild state; he stated that he thought the existing house should be buffered from both sides because of the trail systems. Mr. Thomas agreed.

Mr. Fellows agreed that the front area should remain natural, the trails should have a minimum amount of paving and the buffer should be enhanced wherever possible. He stated that the Comprehensive Plan required the trails to be open to the public so there did need to be parking. He stated that he appreciated the buffer at I-295. Mr. Paul stated that the 250 foot buffer should be left natural with one to two mowings and there should be a minimum amount of paved trail and he would like to see minor improvements on the existing trails toward Phase 3 to identify the path to the conservation lands. He stated that he would like to see the house buffered from the trailhead which should have significant buffering. He agreed that the garages needed to be moved away from the property line and no trees should be taken down from that buffer.

5. Jonathan Stamell, 52 Seavey Landing Road, requests review for erosion control and filling in the Shoreland Zone

It was determined that this item did not need Planning Board approval and would be handled by the Code Enforcement Office.

6. Haigis Parkway Professional Center, New Day Realty LLC requests sketch plan review for 11,000 square foot medical office building on Lot 9 on Haigis Parkway

Mr. Bacon stated that the Board had seen this project in the past and there were staff comments.

Ms. Anne Callender, of Whipple-Callender Architects, stated that this would be a medical office building with a fitness center to promote healthy lifestyles. She stated that the applicant had purchased both Lots 8 and 9 but this development would be only on Lot 9 and Lot 8 would remain vacant; she stated that the applicant wanted to be able to control the use of Lot 8. Ms. Callender stated that the structure was proposed on the north side of the site so they could eventually have solar power and so there would be fewer icing issues during the winter. She stated that they would break up the massing of the building with gabled roofs and a covered porch; she stated that there would be a daylight basement on the east end of the building for the fitness center. Ms. Callender stated that this would be a high-performance green building with a goal of LEED certification. She stated that the construction of the building was yet to be determined but may be EIFS stucco material of natural colors and they would consider the guide lines.

Mr. John Mitchell, of Mitchell Associates, stated that Lot 9 was one of 12 in the Haigis Parkway Professional Center which had preliminary subdivision approval. He stated that Lot 9 was 17.4 acres with 638 feet of frontage on the east side of Haigis Parkway with access via a common driveway for Lots 8 and 9 and utilities from Haigis Parkway. Mr. Mitchell stated that the building would be an 11,000 square foot medical office building which would require 62 parking spaces. He stated that stormwater management would be as on the approved subdivision plan. He stated that the existing buffer at Haigis Parkway would be maintained and would be supplemented with evergreens with canopy trees in a ten foot wide island in the parking lot and there would be small flowering trees around the building. Mr. Mitchell stated that there would be a total of seven light fixtures that would meet the town's lighting requirements.

Regarding staff comments, Mr. Mitchell stated that they would provide additional renderings of the building and how it would look from Haigis Parkway, as well as lighting details and screening of the parking areas. He stated that they had talked with the Fire Department and had added a fire lane to access the second side of the building. Mr. Mitchell stated that they had met the 15% parking lot landscaping requirement and there would be no exterior dumpster. He stated that the traffic numbers for the subdivision were higher than what this parcel would produce because the count included retail use on Lots 8 and 9.

To a question from Mr. Mazer, Ms. Callender replied that there were no plans for Lot 8, but the owner wanted to have control of development on that lot. Mr. Fellows encouraged the applicant to review the design standards. Mr. Chamberlain stated that there needed to be a lot of buffering from Haigis Parkway because of the dropoff in that area; he stated that he liked the way the building was situated on the site. To a question from Ms. Littlefield, Mr. Mitchell replied that there was a new water quality treatment system on the east side of the parking lot where there would be chambers under the parking lot for stormwater detention. He noted that each lot was allocated a certain amount of wetland impact, which they met. To a question from Ms. Littlefield, Mr. Mitchell replied that the 20 foot wide fire lane would have an eight foot wide paved section. To a question from Mr. Callahan, Mr. Mitchell replied that the HP Zone did encourage parking behind the building but they placed the building to take advantage of solar heat and they would carefully buffer the site. Ms. Callender stated that they wanted the building as close as possible to the woods and had pulled the parking back from the road.

Mr. Paul noted that the Conservation Commission encouraged a new approach to combine resources to eliminate as much of the impervious parking lot as possible. Mr. Paul asked that pedestrian safety be addressed by widening the parking lot green space and including a walkway.

Mr. Paul called a recess at 8:50 P. M.; the meeting resumed at 9:00 P. M.

7. Toddle Inn Child Care Facility, Cheryl Barrett requests site plan amendment for expansion of existing structure at 9 Lincoln Avenue\*

Mr. Bacon noted that this project had Zoning Board approval for expansion of a Special Exception; he stated that there were peer review comments and updated plans. He stated that fire lanes had been added and there were parking issues.

Mr. Joseph Casalinova, of Building Solutions, stated that they were considering energy and operating costs for the proposed 10,000 square foot building and the existing building; he stated that they would update the existing building by removing the widow's walk, renovating, insulating and residing the structure. He stated that the existing pool would be enclosed so it could be used year round, there would be an indoor gym for the older children and there would be 3,000 square feet of storage space, which could be used for classrooms in the future.

Mr. Jon Whitten, of Terradyne Consultants, stated that the existing 7,500 square foot building had 37 parking spaces and a one-way traffic pattern; he stated that some parking would be added in the front and there would be emergency access to the rear of the building at the request of the Fire Department. He stated that the access to the rear would impact the playground which would be moved to the other side of the building and there would be gates in the playground fencing that would allow access to the rear. Mr. Whitten stated that they added landscaping at Lincoln Avenue and moved the main sign, and there would be a pedestrian access from the new parking to the building; he stated that the utilities and drainage would be connected from the existing building and the traffic pattern would remain. Mr. Whitten stated that there would be little additional traffic because some new students would be siblings of existing clients and others would come on the school bus. He stated that they would label the parking better and detail the riprap slope along the rear property line.

Mr. Casalinova stated that the building would look more traditional and would be more energy efficient. He stated that they would like approval tonight so the applicant could get the construction completed prior to the fall session. To a question from Mr. Mazer, Mr. Casalinova replied that the building would be painted clapboards in beige and brown tones with a brown fiberglass roof. To a question from Mr. Mazer, Mr. Whitten replied that there would be 25 new parking spaces. Mr. Mazer asked why so many new parking spaces were proposed; Ms. Carrier replied that there would be new employees and a few new children and she wanted to make sure there would be plenty of parking.

To a question from Mr. Callahan, Mr. Casalinova replied that the entire building would be sprinklered. To a question from Ms. Littlefield, Mr. Bacon replied that the staff was comfortable with no traffic analysis because traffic fees were waived in the Industrial Park; he stated that, given the volume of traffic from the Industrial Park, he did not feel peer review was necessary for the traffic. To questions from Mr. Chamberlain, Mr. Casalinova replied that the front entryway would be extended from the present two feet to eight feet for protection from the weather and the dumpster would be moved to the opposite end of the parking lot with the same screening.

Mr. Paul stated that he would like to see parking calculations on the final plan; he stated that there needed to be an area where a total of 100 parking spaces could be created in the event the use of the site changed. Mr. Bacon stated that if the site needed more parking it would have to be approved by the Board. Ms.

Carrier stated that they had a huge amount of space for the playground and parking could be there. Mr. Paul asked that some landscaping be planted between the parking and the street; Mr. Whitten stated that shrubbery had been added to the plan.

Mr. Paul moved to approve the site plan amendment with the following conditions:

1. That a revised plan showing the proposed uses of the addition and potential future use of the storage area and additional parking, including parking calculations, be submitted to the Planning Department;
2. That there be final Fire Department approval of the plans;

Mr. Callahan seconded.

Voted 5-0

8. Timber Sands Subdivision, Risbara Properties LLC requests final review for 10 single family lots at 462 Old West Beech Ridge Road in the R-F Zone

Mr. Bacon stated there was no DEP permit so the final subdivision plan could not be approved; he stated that there were peer review comments from Oest Associates and a memo from Mr. Wendel as well as a memo regarding viability of the ponds. He stated that staff comments had been addressed. Mr. Paul read the Conservation Commission comments.

Mr. Lee Allen, of Northeast Civil Solutions, stated that they expected their DEP permit very soon and the nitrate plume analysis should be ready by the end of the week. He stated that there was a concern with the pond water table; he stated that the material from the ponds would be used for construction. He stated that Lots 1 and 2 required a hardscape buffer for the stormwater runoff but the DEP required that water be able to sheet across the land so they would use a fence or boulders for markers.

Mr. Rocco Risbara III stated that he met with the neighbors who were concerned about the trails and wanted more access off the rear in the 75 foot buffer. He stated that the smaller pond would probably not work because it could not be built deep enough to have enough water and they would create just the larger pond. He stated that the pond should not be a hazard because of its very gradual slope, but he could fence it if necessary; he stated that he envisioned grass around the pond.

Mr. Paul asked anyone who wanted to speak to keep his comments to three minutes. Mr. William Gelinas, of 6 Elizabeth Lane, stated that this project would impact the neighbors' use of the trails and they would appreciate a trail around the site for their horses and four wheelers and snowmobiles. He stated that the trails were used by children and he saw the pond as a liability and would rather see it filled with stumps and buried. Mr. Risbara stated that this area would not be open to the public but the homeowners' association would have the ability to grant the use to abutters and the trails would be maintained by the association. Mr. Mazer suggested the idea that the abutters could have the option of joining the association for a fee so there would be no misunderstanding with maintenance and use.

Mr. Mazer stated that he was concerned about the liability of the pond and there should be warning signage. Mr. Fellows stated that the safety of the pond is not really a Planning Board issue and he was sure Mr. Risbara would address that. He stated that boulders or fencing would be appropriate to mark the wetlands. To a question from Mr. Callahan, Mr. Risbara replied that the purpose of digging the pond was to use the materials for construction and it would be a nice amenity for the subdivision. Mr. Risbara stated that there should be no mosquito breeding because of the depth and size of the pond. Ms. Littlefield stated that she saw no need for a fence around the pond and she liked getting rid of the small pond.

At the request of Mr. Chamberlain, Mr. Matthew O'Brien, of Northeast Civil Solutions, explained that he had corrected an error in the net residential density calculation. Mr. Paul stated that he agreed that fencing or boulders could be used to delineate the wetland buffer; he noted that the Board often approved detention ponds and they were dealt with by the associations. He stated that the test pits on Lot 6 needed to be resolved. Mr. Bacon stated that the use of the open space to be governed by the homeowners' association should be shown on the plan.

To a question from Mr. Chace, Mr. Risbara replied that some gravel would be laid down for equipment to access the pond and the area would be loamed over after construction and he hoped not to cut a lot of trees. To a question from Mr. Chamberlain, Mr. Risbara replied that there would be a light at the beginning of the street but none in the cul de sac. Mr. Risbara stated that he would return to the next meeting.

9. Bayley's Camping Resort, Fred and Kathleen Bayley request site plan amendments for improved entrance and new office building off Pine Point Road\*

Mr. Paul read the Conservation Commission comments. Mr. Bacon noted that the Board had approved expansion of the site in 2006 and the Zoning Board had approved this new structure; he stated that the applicant needed to take action on the third access lane that had been approved. He noted that the DEP approval was also outstanding on this project. Mr. Bacon stated that a few of the camp sites were located differently from those approved and the plan should reflect that. He stated that there were staff comments re-garding the signage which did not meet the ordinance standards.

Mr. Lee Allen, of Northeast Civil Solutions, stated that they would like to get the building approved but needed to go back to the Zoning Board for the signage and the fourth entrance lane. He stated that the Bayleys would like to construct the office building this fall and had to meet the six month expiration of the Zoning Board approval.

Mr. Bacon noted that the applicant wanted a fourth entrance lane, but the third lane that the Board had approved had not been constructed. He asked whether the third lane could be constructed and the fourth lane be created in a subsequent construction year; Mr. Allen replied that the applicants were chipping away at their projects and had not gotten to the changes to the entrance. Mr. Paul proposed that the applicant return to the Board with a plan that showed exactly what he wanted the Board to review; he stated that he would rather see the entire plan so the Board would know what it was approving. Mr. Bacon stated that the third lane should be constructed with the building since they were already approved.

Mr. Paul stated that a 100 foot curbcut was obscene on Pine Point Road and the sign would have to be way too high to span the driveway. Ms. Littlefield stated that she could deal with an overhead sign for three lanes but not four lanes. Mr. Fellows stated that he did not like the four lane wide curbcut which was inappropriate near the marsh and the beach and he did not like the overhead sign. Mr. Thomas stated that he would like to see the third lane built before four lanes were approved and the applicant should return when the issues were all resolved. Mr. Paul stated that he would like to see a traffic study to back up the need for a fourth lane. Mr. Bacon stated that it was not a traffic issue but a convenience for the RVs.

Mr. Bacon stated that the applicant could save a meeting by returning to the Planning Board with three lanes and not going to the Zoning Board for the fourth lane.

10. Thurlow Properties requests sketch plan review for 6 lot subdivision in the B-1 Zone and the Shoreland Zone on King Street

This item was tabled at the request of the applicant.

11. Administrative Amendment Report

There was no report.

12. Town Planner's Report

Mr. Bacon noted that there was a reminder for the workshop to be held on Monday, July 21, 2008 at 6:00 P. M. He noted that the second appeal of the Board's decision regarding the Parker Subdivision had been dismissed.

13. Correspondence

There was no correspondence.

14. Planning Board Comments

Mr. Mazer stated that he would be absent from the August 4, 2008 meeting. Mr. Paul noted that there would be a site visit to Canco Woods retirement center at 5:00 P. M. prior to the August 4, 2008 meeting.

15. Adjournment

The meeting was adjourned at 10:35 P. M.